



CHARLIE CRIST  
GOVERNOR

STATE OF FLORIDA

## Office of the Governor

THE CAPITOL  
TALLAHASSEE, FLORIDA 32399-0901

[www.flgov.com](http://www.flgov.com)  
850-488-7146  
850-487-0801 fax

March 23, 2010

Ms. Rose Cotter

[REDACTED]  
Fort Meade, FL 33841

Dear Ms. Cotter:

Thank you for contacting Governor Crist regarding the case of Nathan O'Neil Dailey. Governor Crist referred the matter to his legal office for review and response, and your inquiry was forwarded to the Florida Department of Law Enforcement (FDLE) for review. The Governor understands the very serious nature of the crime against your daughter and the tragedy of the current situation. However, I am very sorry to inform you that Governor Crist has no authority to take any further action in this matter, as the Florida Constitution limits the Governor's intervention in matters that should be resolved through the court system, and the state attorney has the discretionary duty to determine how each case should be prosecuted.

However, to assist you, the Governor referred the matter to FDLE for their review. FDLE conducted an investigation of the matter, and confirmed that although Mr. Dailey pled guilty to the sexual battery, there is no record of his sentence for the crime. Evidence indicates that Mr. Dailey's case was transferred from Polk County to Broward County *before* disposition (sentencing); while this practice is not unheard of, it was sometimes done when a juvenile resided in a different jurisdiction than where he committed the crime. For reasons unknown, Mr. Dailey's paperwork was never processed in Broward County. Although it was sent from Polk County, FDLE's investigation could not determine why the transfer of the case was unsuccessful—or whether the records were purged or ever received in Broward County. Because of the passage of time, only a portion of Mr. Dailey's records still exist in the Polk County system.

In its investigation, FDLE employed the assistance of many individuals, including the department of children and families, lawyers involved in the case, case managers, clerks and both state attorneys of the counties involved. Regrettably, the investigation did not conclusively determine whether Mr. Daily

Ms. Rose Cotter  
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was ever sentenced or punished for his crime. Governor Crist has no authority to intervene in the matter, except to offer sincere condolences to you in what must be a very difficult situation. Thank you for bringing this matter to Governor Crist's attention.

Sincerely,



J. Andrew Atkinson  
Assistant General Counsel

:jaa

cc: Office of Executive Investigations  
FL Department of Law Enforcement



**MICHAEL J. SATZ**  
**STATE ATTORNEY**  
SEVENTEENTH JUDICIAL CIRCUIT OF FLORIDA  
BROWARD COUNTY COURTHOUSE  
201 S.E. SIXTH STREET  
FORT LAUDERDALE, FL 33301-3360

PHONE (954) 831-6955

February 25, 2009

Re: State of Florida v Nathan O'Neil Dailey  
JV-84-901547-FM

Dear

Please be advised your letter dated February 3, 2009 has been forwarded to the undersigned for review. I have investigated the matter of your concern.

The documents enclosed with your correspondence establish that a case was filed in Polk County charging Nathan O'Neil Dailey with committing sexual battery. The documents further reveal that on May 31, 1984 Mr. Dailey and his attorney appeared before Judge J. Tim Strickland in Polk County and entered a plea of guilty to the charge.

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I have conducted a thorough search of the data base of the Broward County Clerk of Courts and have contacted them and asked them to search their system. Neither I nor the Broward County Clerk of Courts has found any indication that this case was ever received by Broward County. I have also searched this office's records to see if I could locate anything about this case and have found absolutely nothing.

It is the responsibility of the County who wants to transfer a case to transfer it. There is no record of this case being received by Broward County.

I deeply regret the anguish and frustration you must be feeling as a result of your child's victimization and the legal process that has followed.

Sincerely,

Maria M. Schneider, Esq.  
Assistant State Attorney in Charge  
Juvenile Division

FLORIDA DEPARTMENT OF LAW ENFORCEMENT  
INVESTIGATIVE REPORT

File  
Rex

On March 9, 2009, the Florida Department of Law Enforcement (FDLE), Office of Executive Investigations (OEI), received a complaint from [REDACTED] of Fort Meade, Florida regarding a 1984 Polk County Sexual Battery case involving her daughter. Mrs. [REDACTED] alleged that the case against Nathan Dailey was improperly disposed of by Polk and Broward County Officials. Inspector Christopher Pate was assigned to review and respond.

On June 1, 2009, Inspector Pate spoke via telephone with Administrative Director Howard (Rex) Dimmig, of the Office of the Public Defender for the 10<sup>th</sup> Judicial Circuit. Mr. Dimmig was the State Prosecutor in 1984 for the Sexual Battery case involving Nathan Dailey. Mr. Dimmig provided the following information:

- Mr. Dimmig advised that he could not independently recall the circumstances of Mr. Dailey's case.
- Mr. Dimmig stated that occasionally a juvenile, after making a plea, could be transferred to his home jurisdiction for sentencing. He further advised that, after a Transfer for Disposition, a Mitigation Hearing would be held prior to sentencing by the new judge.
- Mr. Dimmig noted that after the transfer of a case to another jurisdiction, the original prosecutor would not likely remain involved or be notified of the disposition.
- Mr. Dimmig speculated that in 1984, a sixteen (16) year old Sexual Battery offender of a five (5) year old victim could have receive a sentence of fifteen (15) years or more.
- Mr. Dimmig advised that he would further review Mr. Dailey's case and provide any additional information which he could recall.

Case Number:EI-73-8470	Serial #:10
Author:Pate, Christopher Todd	Office:Executive Investigations
Activity Start Date:06/01/2009	Activity End Date:

Approved By:LeFiles, Robert J.

Description:Howard Dimmig

THIS REPORT IS INTENDED ONLY FOR THE USE OF THE AGENCY TO WHICH IT WAS DISSEMINATED AND MAY CONTAIN INFORMATION THAT IS EITHER PRIVILEGED OR CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. ITS CONTENTS ARE NOT TO BE DISTRIBUTED OUTSIDE YOUR AGENCY.

[REDACTED]

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT  
IN AND FOR POLK COUNTY, FLORIDA, JUVENILE DIVISION

IN THE INTEREST OF:

DAILEY, NATHAN O'NEIL  
DOB:                      A CHILD

CASE NUMBER JV84-901547-XX

ORDER OF TRANSFER TO ANOTHER CIRCUIT

WHEREAS, VIRGIL F. COMPAIN, of the  
said County, filed a Petition under oath in this Court on the  
24th day of May, 1984 alleging that the above  
named child is a delinquent child within the intent and meaning  
of Chapter 39 Laws of Florida, to wit: SEXUAL BATTERY

WHEREAS, the said child did appear in open Court on the                       
31st day of May, 1984 at which time the said child did  
enter a plea of guilty to the charge of                       
SEXUAL BATTERY

THEREFORE, it having been ascertained that the child's usual place  
of residence or domicile is now in BROWARD County, and  
upon approval of the Circuit Judge of Polk County, it is hereby Ordered  
that jurisdiction of the said child and this case is waived and that  
the said case is transferred to the Circuit Court of BROWARD  
County to be dealt with according to law.

DONE AND ORDERED in Chambers at Bartow, Polk County, Florida this  
31st day of MAY, 1984, at Bartow, Polk County, Florida.



J. TIM STRICKLAND  
CIRCUIT JUDGE  
JUVENILE DIVISION

cc:  
ASA-Compain  
HRS-Briggs  
BROWARD COUNTY

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT  
IN AND FOR POLK COUNTY, FLORIDA, JUVENILE DIVISION

IN THE INTEREST OF:

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DAILEY, NATHAN O'NEIL .

DOB:                      A CHILD

CASE NUMBER JV84-901547-XX

CLERK'S CERIFICATE OF TRANSFER

This is to cerify that certified copies of all Orders in this  
cause have been forwarded by United States Mail to:

CLERK HONORABLE ROBERT E. LOCKWOOD  
of the SEVENTEENTH Judicial Circuit Court  
of BROWARD County,  
FT. LAUDERDALE, Florida.

and to:

PURSUANT to the foregoing Order of this Court dated May 31, 1984  
                     directing transfer of this cause and in accordance  
with Rules of Juvenile Procedure 8.100, Section (a).

SWORN to this 31st day of May, 1984, at Bartow, Polk County, Florida.

E. D. "BUD" DIXON  
CLERK OF COURTS  
BY:

  
DEPUTY CLERK

copies furnished to:

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT  
IN AND FOR COLK COUNTY, FLORIDA, JUVENILE DIVISION

<input checked="" type="checkbox"/> CHILD'S NAME: Dailey, Nathan O'Neil		CASE NUMBER: JVB4-901547-K	
DATE OF BIRTH: [REDACTED]	DATE OF HEARING: 5-31-84/1:30	DATE OF PETITION:	
JUDGE: OTHER ( )	STRICKLAND ( ) MCDONALD	COUNSELOR:	AGCY: Bob Briggs HRS
MOTHER: Virgie	FATHER: [REDACTED] Matthew	CHILD'S ATTY:	Stanley Sacks
OTHERS	PRESENT:	ASST ST ( ) SMITH	( ) DIMARIS
DETENTION	ARRAIGNMENT	DISPOSITION	OTHER:
SHELTER	ADJUDICATION	OTHER:	

<input checked="" type="checkbox"/> ARRAIGNMENT:			
RIGHTS, CONSEQUENCES	CHILD REQ ATTY	FOUND INDIGENT	
CHARGES EXPLAINED	INQURY AS TO INDGNC	PD APPT	
FREELY WAIVE ATTY	NOT INDIGENT	REPRESENTED BY ATTY/PD	
CONSULT WITH PD	TO SEEK ATTY	ATTY AD-LITEN APPT	

<input checked="" type="checkbox"/> PLEA:			
GUILTY/ADMIT	PLEA FREE & VOLNTRY	GUILTY PLEA REFUSED	
FACTUAL BASIS FND	PLEA ACCEPTED	NOT GUILTY/DENY	

<input type="checkbox"/> SET FOR FURTHER HEARING:			
DATE:	TIME:	ARRAIGNMENT	DISPOSITION
		ADJUDICATION	OTHER:

<input type="checkbox"/> STATUS PENDING FURTHER HEARING:			
RELEASE TO PARENTS	SCREEN FOR	SHELTER	
DETAIN (SECURE)	NON-SECURE DETN	OTHER:	

<input type="checkbox"/> ADJUDICATION:			
SWORN TESTMNY RECD	FOUND GUILTY OTHER	INSUFFICIENT EVIDENCE	
FOUND GUILTY AS CHG	NOLLE PROSEQUI	DISMISSED	

<input type="checkbox"/> ORDERED PENDING DISPOSITION:			
PRE-DISP REPORT	DRUG ABUSE SCREEN	TRI-CO ARS SCREEN	
PSYCHOLOGICAL EVAL	SCHOOL PSYCH EVAL	OTHER:	

<input checked="" type="checkbox"/> DISPOSITION:			
WITHHOLD ADJ	COMMUNITY CONTROL	SUPERVISED	DAYS
ADJ DELINQUENT	COMMIT TO DHRS	UNSUPERVISED	DAYS
ADJ DEPENDENT	CUSTODY TO DHRS	HRS P/S SUPERVISION	
TRANSFER JURSDCTN	CUSTODY OTHER	HOLD OPEN	DAYS

Negotiated plea — no conditions — straight up

Transfer to Broward Co  
for Disposition

Send order to Atty Sacks

HRS	APD	JUDICIAL
STATE ATTY	PCSE	ASST: